Written Testimony in Support of House Bill 6639, An Act Concerning the Use of an Automated Number Plate Recognition System

Senator Coleman, Representative Fox and distinguished members of the Judiciary Committee, I am David McGuire, staff attorney for the American Civil Liberties Union of Connecticut. I am here to testify in favor of House Bill 6639, An Act Concerning the Use of an Automated Number Plate Recognition System. The ACLU of Connecticut appreciates the committee's consideration of this bill, which would safeguard innocent motorists' privacy in Connecticut.

Police use automated license plate recognition systems (ALPRs) to record individuals' license plate numbers and automatically compare them to lists of stolen, unregistered or uninsured cars. Cameras, usually mounted on police cars but occasionally fixed to stationary objects on the roadside, record the plate number, the precise GPS location where the plate was scanned and the time and date of the capture If the scanner picks up a plate matching one listed as stolen, unregistered or uninsured, a police officer can check the plate to make sure it was scanned correctly and pull over the vehicle.

ALPR systems have proven to be an important, helpful and powerful tool for Connecticut law enforcement and so each year more police departments are adopting and using this technology. The trouble is that police are keeping the data from ALPRs, combining it into massive shared databases and holding it indefinitely. Over time, this generates a map of where each vehicle has been, providing a detailed and vivid picture of the travel habits of Connecticut drivers who are not suspected of doing anything wrong. These ever-growing databases can easily be used to reconstruct an individual's movements or to identify the vehicles that visit a particular church, mosque, adult bookstore or motel. This amounts to retroactive surveillance of innocent people without a warrant, probable cause or any form of judicial oversight.

In January 2012 the ACLU of Connecticut obtained a database containing 3.1 million license plate scans collected by 10 Connecticut police departments between 2009 and 2011 and pooled for ease of searching. Last month we obtained a report showing that the same 10 departments accumulated another 2.6 million scans in 2012. The statistics provided in the 2012 report demonstrate the extensive and pervasive use of ALPR systems. For example, in the town of Newington, where the tax assessor reports there were 29,208 vehicles registered in 2012, the local police department accumulated a total of 612,673 license plate scans that year. That's more than 20 scans for each registered vehicle. Another 15 towns in southwestern Connecticut are setting up a similar shared database.. And as police departments buy more scanners and equip more cruisers, the number of scans continues to climb.

The state has no requirement that license plate scan data be discarded. This bill

would require that it be destroyed within fourteen days unless it is relevant to a criminal investigation. This will allow police to use the information for legitimate crime-fighting purposes while preventing massive accumulations of data and the potential for abuse that goes with it. Maine and New

Hampshire have laws restricting or limiting the use of ALPRs. In Maine, police can keep data for only 21 days. New Hampshire prohibits the use of automated number plate scanning devices altogether. Similar bills and proposals to ban the use of ALPRs or to prevent the long term storage of scan data are being considered in Vermont, Arkansas, South Carolina and Minnesota.

Earlier this year an East Hartford police officer was charged with three counts of violation of computer crime in the third degree, a class D felony, for allegedly inappropriately using a police computer database to access personal information of his ex-girlfriend and her sister.[1] Although we have no way to know whether stored ALPR scan data has been misused in Connecticut, it inevitably will be. Data-retention limits will lessen the chance and severity of potential abuses.

Recent press coverage has started to give the public a fuller understanding of how ALPR technology will affect them, and Connecticut's three largest newspapers have already called for limiting the amount of time the data can be retained. They raise legitimate concerns that these large databases are also accessible to the general public, marketers and people who may use the data to locate people and commit crimes against them. Our office obtained the 3.1-million scan database to evaluate the scope of the problem but others may have more sinister purposes. Yet exempting the data from disclosure, as some have suggested, would hide from the public the nature and extent of the surveillance they are under.

There is only one way to allow the police to use this important tool to protect the public while preventing anyone from using it to spy on the public — require the data to be discarded as this bill requires. Too often new technologies get ahead of our law, and threaten our privacy and civil liberties before we know how they're being used. Please act now to protect the public. Please pass this legislation.

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[1] http://www.nbcconnecticut.com/news/local/East-Hartford-Officer-Charged-With-Computer-Crime-190044011.html